

United States District Court

Northern

DISTRICT OF

New York

U.S. MAGISTRATE JUDGE - N.D. OF N.Y.

FILED

OCT 17 2005

O'CLOCK

HON. LARRY A. KUDRLE

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Name: Komlan Sossou, A75-775-692
 AKA: Mardochee Ngriah Sossou
 Yves Nyedetse
 Address: 41 Kolokotoni 5150 Av Walkley #3
 Montreal, Que H4V2M5
 Birthdate: December 29, 1970/Togo
 (Name and Address of Defendant)

Case Number:

05-M-394LAK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 16th, 2005 in Clinton county, in the Northern District of New York defendant(s) did,

Komlan Sossou, being a native and citizen of Togo, who was previously removed and deported from the United States, following his conviction of an aggravated felony, did knowingly and unlawfully attempt to enter the United States at Overton Corners, NY Port of Entry, without the express consent of the Attorney General of the United States, or his successor, the Secretary for Homeland Security, for reapplication for admission into the United States, this being,

in violation of Title 8 United States Code, Section 1326(a) and (b)(2)

I further state that I am a Customs & Border Protection Officer and that this complaint is based on the following facts:

Defendant presented himself for inspection at the Overtons Corners, NY Port of Entry on October 16, 2005. Defendant was the operator of a Canadian rental vehicle bearing Quebec license plate number FCY9957. During primary questioning, the Defendant presented a Canadian citizenship card, number 7014932 in the name of Yves Nyedetse and claimed to be the true owner of the document, a Canadian citizen. Defendant further advised during initial questioning that he was attempting to enter the United States in-order to attend a business meeting at "ICF Warehouse" located on RT 9 in Chazy, NY. Defendant did not resemble the photo on the Canadian citizenship card, thus was referred to CBP secondary inspection for further questioning. During secondary, Defendant admitted his true identity to be that of Mardochee Ngriah Sossou and claimed to be a native and citizen of Togo. He further produced a Canadian Permanent card as proof of his identity and legal status in Canada. Defendant initially claimed that he had never had any problems with U.S. Immigration, however, just prior to being fingerprinted by this writer, the defendant admitted having been previously deported from the United States in 1999 for having overstayed his student visa. IDENT & IAFIS, fingerprint analysis later confirmed a positive match with FBI number 796968TA3. Service record checks indicated that the Defendant was ordered deported by the U.S. Immigration Judge per sections 237(a)(1)(C)(i) "Non-immigrant status violator, an 237(a)(2)(A)(iii) "Aggravated Felon", on May 11th, 1999 and was physically deported to Togo on July 8th, 1999. Defendant was convicted of the offense of Bank Fraud in violation of 18USC1344 and was sentenced to 16 months confinement. An initial search of service records failed to reveal the Defendant obtained the consent of the Attorney General, or his successor, the Secretary for Homeland Security, to reapply for admission to the United States. Defendant claims that he has not obtain the consent of the Attorney General, or his successor, the Secretary for Homeland Security, to reapply for admission to the United States. Defendant is a native and citizen of Togo.

Continued on the attached sheet and made a part hereof:

Yes

No

Noel R. Barriere, CBPO/CHM
Signature of Complainant

Sworn to before me and subscribed in my presence.

October 17th, 2005
Date

at

Plattsburgh, NY
City and State

Larry A. Kudrle, US Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer